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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,846	10/23/2003	Donald K. Jones	CRD5035CIP1	6702

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EXAMINER	
DAWSON, GLENN K	
ART UNIT	**PAPER NUMBER**
3731	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

Office Action Summary	Application No.	Applicant(s)	
	10/691,846	JONES ET AL.	
	Examiner	Art Unit	
	Glenn K. Dawson	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 21-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 21-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyn, et al.-5210757 in view of Frid—5741333 and Frantzen-6168618.

Heyn discloses a core 100, cylindrical members 102,104 and a self-expanding stent 106. The stent has cells and struts as seen in fig. 9. However, Heyn does not disclose the anchor or the ring. However, Frid discloses anchors in the form of flared end portions. It would have been obvious to have formed flared ends on the stent of Heyn as this tends to anchor the stent in position in the vasculature. Frantzen discloses compressing rings on a stent. It would have been obvious to have provided Heyn with compressing stent rings in order to allow for tentative positing of the stent without totally releasing the stent from the core or catheter. To have placed the retaining rings around the flared ends would have been obvious in order to prevent them from causing friction with the inner surface of the outer catheter and to prevent them from expanding before desired.

Claims 4,5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyn, et al.-5210757 in view of Frid—5741333 and Frantzen-6168618 as applied to claims above, and further in view of Hayashi-'539.

Heyn as modified above fails to disclose the heating of the ring. Hayashi discloses making the rings with resistive heating elements. It would have been obvious to have simply melted the ring as opposed to allowing an electrolytic process to break down the ring as merely an obvious known alternative.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyn, et al.-5210757 in view of Frid—5741333 and Frantzen-6168618 and hayashi-'539 as applied to claims above, and further in view of Barry-'126.

Heyn as modified above fails to disclose the material of the ring. Barry discloses the use of these materials in a heat-release coupling in a vascular implant. It would have been obvious to have used Barry's materials for the ring as it is a known material which yields under heating to release an implant.

Claims 1-3 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escamilla, et al.-2004/0059407 in view of Frantzen.

Escamilla discloses a core with cylindrical rings forming a space receiving a self-expanding stent. The stent has coiled anchors on its ends. See fig. 4 and 5. However, the rings are not disclosed. Frantzen discloses compressing rings on a stent. It would have been obvious to have provided Escamilla with compressing stent rings in order to allow for tentative positing of the stent without totally releasing the stent from the core or catheter. To have placed the retaining rings around the flared ends would have been obvious in order to prevent them from causing friction with the inner surface of the outer catheter and to prevent them from expanding before desired.

Claims 4,5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escamilla-'407 in view of Frantzen-6168618 as applied to claims above, and further in view of Hayashi-'539.

Escamilla as modified above fails to disclose the heating of the ring. Hayashi discloses making the rings with resistive heating elements. It would have been obvious to have simply melted the ring as opposed to allowing an electrolytic process to break down the ring as merely an obvious known alternative.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escamilla-'407, et al.-5210757 in view of Frantzen-6168618 and Hayashi-'539 as applied to claims above, and further in view of Barry-'126.'

Escamilla as modified above fails to disclose the material of the ring. Barry discloses the use of these materials in a heat-release coupling in a vascular implant. It would have been obvious to have used Barry's materials for the ring as it is a known material which yields under heating to release an implant.

Claims 1-3 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escamilla, et al.-2004/0078071 in view of Frantzen.

Escamilla discloses a core with cylindrical rings forming a space receiving a self-expanding stent. The stent has coiled anchors on its ends. See fig. 4 and 5. However, the rings are not disclosed. Frantzen discloses compressing rings on a stent. It would have been obvious to have provided Escamilla with compressing stent rings in order to allow for tentative positing of the stent without totally releasing the stent from the core or catheter. To have placed the retaining rings around the flared ends would have been

obvious in order to prevent them from causing friction with the inner surface of the outer catheter and to prevent them from expanding before desired.

Claims 4,5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escamilla-'407 in view of Frantzen-6168618 as applied to claims above, and further in view of Hayashi-'539.

Escamilla as modified above fails to disclose the heating of the ring. Hayashi discloses making the rings with resistive heating elements. It would have been obvious to have simply melted the ring as opposed to allowing an electrolytic process to break down the ring as merely an obvious known alternative.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escamilla-'407, et al.-5210757 in view of Frantzen-6168618 and Hayashi-'539 as applied to claims above, and further in view of Barry-'126.

Escamilla as modified above fails to disclose the material of the ring. Barry discloses the use of these materials in a heat-release coupling in a vascular implant. It would have been obvious to have used Barry's materials for the ring as it is a known material which yields under heating to release an implant.

Response to Arguments

Applicant's arguments with respect to claims 1-9 and 21-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn K. Dawson whose telephone number is 571-272-4694. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Glenn K Dawson
Primary Examiner
Art Unit 3731

Gkd
16 March 2007